

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ASTRAZENECA PHARMACEUTICALS LP,
ASTRAZENECA UK LIMITED, KUDOS
PHARMACEUTICALS LIMITED, THE
UNIVERSITY OF SHEFFIELD, and MSD
INTERNATIONAL BUSINESS GMBH,

Plaintiffs,

v.

NATCO PHARMA LIMITED and NATCO
PHARMA INC.,

Defendants.

Civil Action No. 3:23-796 (RK) (TJB)

**STIPULATION AND
CONSOLIDATED AMENDED
PRETRIAL SCHEDULING ORDER**

ASTRAZENECA PHARMACEUTICALS LP,
ASTRAZENECA UK LIMITED, KUDOS
PHARMACEUTICALS LIMITED, THE
UNIVERSITY OF SHEFFIELD, and MSD
INTERNATIONAL BUSINESS GMBH,

Plaintiffs,

v.

SANDOZ INC.,

Defendant.

Civil Action No. 3:24-641 (RK) (TJB)
(Consolidated with 3:23-796)

ASTRAZENECA PHARMACEUTICALS LP,
ASTRAZENECA UK LIMITED,
ASTRAZENECA AB, KUDOS
PHARMACEUTICALS LIMITED, and MSD
INTERNATIONAL BUSINESS GMBH,

Plaintiffs,

v.

NATCO PHARMA LIMITED and NATCO
PHARMA INC.,

Civil Action No. 3:24-5887 (RK) (TJB)

<i>Defendants.</i>	
ASTRAZENECA PHARMACEUTICALS LP, ASTRAZENECA UK LIMITED, KUDOS PHARMACEUTICALS LIMITED, THE UNIVERSITY OF SHEFFIELD, and MSD INTERNATIONAL BUSINESS GMBH,	Civil Action No. 3:24-5889 (RK) (TJB)
<i>Plaintiffs,</i>	
v.	
SANDOZ INC.,	
<i>Defendant.</i>	

Plaintiffs AstraZeneca Pharmaceuticals LP, AstraZeneca UK Limited, AstraZeneca AB, Kudos Pharmaceuticals Limited, The University of Sheffield, and MSD International Business GmbH (collectively, “Plaintiffs”), Defendants Natco Pharma Limited, Natco Pharma Inc. (collectively, “Natco”), and Defendant Sandoz Inc. (“Sandoz”), by and through their respective undersigned counsel, have agreed to the following stipulation, subject to the approval of the Court:

WHEREAS, the above-captioned actions, Civil Action Nos. 3:23-796, 3:24-641, 3:24-5887, and 3:24-5889 are currently pending in this Court and involve many of the same Plaintiffs, some related patents, and the same active ingredient in each of the Abbreviated New Drug Applications (“ANDA”) and referenced New Drug Applications for LYNPARZA® (olaparib) tablets;

WHEREAS, the parties concomitantly seek to consolidate these actions for all pretrial purposes; and

WHEREAS, the parties agree that consolidation of the above-captioned actions for all pretrial purposes would promote judicial economy and conserve the Court’s and the parties’ time and resources.

NOW THEREFORE, the Parties stipulate to the following consolidated, amended schedule:

Deadline	Current Case Schedule	Agreed Upon New Date
Plaintiffs may access ¹ Defendants' ANDAs for purposes of prosecuting '530 and '001 patent counts	--	Earlier of July 8, 2024, or submission of a joint motion to consolidate Civ. A. Nos. 24-5887 and 24-5889 with 23-796
Plaintiffs' Infringement and Validity Contentions re '562 patent	May 24, 2024	May 24, 2024
Defendants Respond to Complaint for '530 and '001 patents ²	--	July 8, 2024
Status Conference (D.I. 71)	--	July 15, 2024
Plaintiffs Answer Counterclaims for '530 and '001 patents	--	July 29, 2024
Plaintiffs' Disclosure of Asserted Claims	--	August 23, 2024

¹ Access must be consistent with the Confidentiality Order entered in the Consolidated Case, or all agreed upon provisions of the submitted Confidentiality Order in the Consolidated Case until such Confidentiality Order has been entered by the Court.

² By agreeing to consolidation and this proposed schedule, Defendants do not waive any right or ability to seek dispositive relief and dismissal of the claims related to the 530 patent through a motion pursuant to Rule 12(c) or Rule 56 of the Federal Rules of Civil Procedure should the appropriate circumstances arise.

Deadline	Current Case Schedule	Agreed Upon New Date
re '530 and '001 patents		
Defendants' Invalidity and Noninfringement Contentions re '842, '396, '530, and '001 patents	--	October 18, 2024
Plaintiffs' Validity and Infringement Contentions re '842, '396, '530, and '001 patents, if applicable	--	December 12, 2024
Exchange Proposed Claim Terms for Construction	July 12, 2024	December 20, 2024
Exchange Preliminary Proposed Claim Constructions and Identify Evidence	July 26, 2024	January 9, 2025
Identify Rebuttal Claim Construction Evidence	August 9, 2024	January 23, 2025
Submit Joint Claim Construction and Prehearing Statement	August 23, 2024	February 6, 2025
Completion of Claim Construction Discovery	September 13, 2024	February 28, 2025

Deadline	Current Case Schedule	Agreed Upon New Date
Opening Markman Submissions	October 11, 2024	March 27, 2025
Completion of Claim Construction Expert Discovery	November 8, 2024	April 24, 2025
Responsive Markman Submissions	December 6, 2024	May 22, 2025
Submit Proposed Schedule to Court re Claim Construction Hearing	December 20, 2024	May 30, 2025
Claim Construction Hearing	February 2025	June/July 2025, as the Court's schedule permits
Substantial Completion of Document Production	March 21, 2025	May 15, 2025
Close of fact discovery	June 27, 2025	August 29, 2025
Opening expert reports	August 15, 2025	October 17, 2025
Rebuttal expert reports (and opening report on objective indicia by Plaintiffs)	October 3, 2025	December 5, 2025
Reply expert reports	October 31, 2025	January 9, 2026

Deadline	Current Case Schedule	Agreed Upon New Date
Close of expert discovery	December 19, 2025	March 6, 2026
Opening summary judgment and <i>Daubert</i> motions	January 9, 2026	March 27, 2026
Oppositions to SJ and <i>Daubert</i> motions	February 6, 2026	April 24, 2026
Replies in support of SJ and <i>Daubert</i> motions	February 20, 2026	May 8, 2026
Submission of Joint Pretrial Order	March 20, 2026	June 5, 2026
Pre-trial Conference	--	June/ July ____ 2026 (as the court's schedule permits)
Trial Ready	April 2026	June/July 2026

AGREED AND STIPULATED TO:

Dated: May 29, 2024

/s/ Charles Chevalier

Charles Chevalier

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Of Counsel:

Respectfully Submitted by:

/s/ James S. Richter

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*Attorneys for Defendant
Sandoz Inc.*

IT IS SO ORDERED.

Dated: May ^{30th}~~20~~, 2024



TONIANNE J. BONGIOVANNI
United States Magistrate Judge